

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DEMUN WALKER,)	
)	
Petitioner,)	
)	
v.)	No. 4:08CV01307 ERW
)	
STATE OF MISSOURI,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before the Court on petitioner's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. The petition is successive and shall be summarily dismissed.

Rule 4 of the Rules Governing § 2254 Cases in the United States District Courts provides that a district court shall summarily dismiss a § 2254 petition if it plainly appears that the petitioner is not entitled to relief.

Petitioner challenges his November 20, 2001, conviction for unlawful use of a weapon, stealing a motor vehicle, and burglary imposed by the Circuit Court for St. Louis County, Missouri, as well as his probation revocation on October 24, 2002. Petitioner first brought a petition for writ of habeas corpus challenging these judgments on October 29, 2007. Walker v. Missouri, 4:07CV1859 ERW (E.D. Mo.). The Court dismissed the first petition as time-barred. Id. The United States Court of Appeals for the Eighth

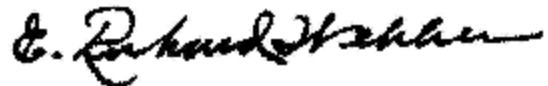
Circuit did not issue petitioner a certificate of appealability. Walker v. Missouri, Case No. 08-1817 (8th Cir. 2008). Petitioner subsequently brought a second petition for writ of habeas corpus challenging these judgments, which was summarily denied. Walker v. Missouri, 4:08CV903 ERW (E.D. Mo.). This is petitioner's third attempt to challenge these same judgments.

To the extent that petitioner seeks to relitigate claims that he brought in his original petition, those claims must be denied pursuant to 28 U.S.C. § 2244(b)(1). To the extent that petitioner seeks to bring new claims for habeas relief, petitioner must obtain leave from the United States Court of Appeals for the Eighth Circuit before he can bring those claims in this Court. 28 U.S.C. § 2244(b)(3)(A). Petitioner has not been granted leave to file a successive habeas petition in this Court. As a result, the petition shall be dismissed pursuant to Rule 4 of the Rules Governing § 2254 Cases in the United States District Courts.

Accordingly,

IT IS HEREBY ORDERED that petitioner's petition for writ of habeas corpus is **DISMISSED**.

Dated this 24th Day of September, 2008.



E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE